

REMARKS

Reconsideration and withdrawal of the objections and rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance or into better condition for appeal.

I. STATUS OF CLAIMS AND FORMAL MATTERS

Claims 3 and 4 are pending. Claims 3 and 4 have been amended, without prejudice.

No new matter has been added by these amendments.

It is submitted that these claims are patentably distinct from the prior art cited by the Examiner, and that these claims are in full compliance with the requirements of 35 U.S.C. §112. The amendments and remarks made herein are not made for the purpose of patentability within the meaning of 35 U.S.C. §§ 101, 102, 103 or 112; but rather the amendments and remarks are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. OBJECTIONS TO THE SPECIFICATION AND CLAIMS

The specification, and claims 3 and 4 were objected to for alleged informalities. The amendments to the claims obviate the objections. Consequently, reconsideration and withdrawal of the objections to the specification and claims are respectfully requested.

III. 35 U.S.C. §112, FIRST PARAGRAPH, REJECTIONS

Claims 3 and 4 were rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. The amendments to the claims render the rejections moot.

Consequently, reconsideration and withdrawal of the Section 112, first paragraph, rejections are respectfully requested.

IV. 35 U.S.C. §103 REJECTION

Claims 3 and 4 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over to Katoh (U.S. Patent No. 5,754,682) in view of Walraven (U.S. Patent No. 6,362,830).

The elements in claims 3 and 4 are absent in the portions of the Katoh and Walraven patents cited in the Final Office Action.

For example, the black adaptation correction means of the present invention (i) converts a first LMS value to a first $X_{op}Y_{op}Z_{op}$ value for use in an optical color space, (ii) converts a second $X_{op}Y_{op}Z_{op}$ value to a second LMS value for use in a LMS color space, and (iii) utilizes image data processing in the optical color space that does not depend on a dynamic range of the image-handling devices.

Katoh fails to disclose a first or a second $X_{op}Y_{op}Z_{op}$ value and also fails to disclose that the image data processing in the optical color space does not depend on a dynamic range of the image-handling devices. Fig. 4 of the present invention clearly shows an additional two steps (i.e., $X_{op}Y_{op}Z_{op}$ steps) that are not shown in Fig. 7 of Katoh. Furthermore, in the present invention, the two $X_{op}Y_{op}Z_{op}$ steps and the image editing processing step (optical color space processing steps), do not depend on the dynamic range of the image-handling devices, as is the

case in Katoh. In addition, Walraven also does not indicate that the image data processing in the optical color space does not depend on a dynamic range of the image-handling devices, as instantly claimed.

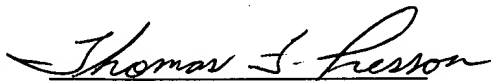
Therefore, applying the law to the instant facts, the portions of the Katoh and Walraven patents cited by the Examiner do not teach, suggest or motivate a skilled artisan to practice at least the above-recited feature of claim 3. Thus, the Section 103 rejection must fail as a matter of law.

Consequently, reconsideration and withdrawal of the Section 103 rejection is respectfully requested.

CONCLUSION

Claims 3 and 4 should be allowed and this application is in condition for allowance. Favorable reconsideration of the application, withdrawal of the rejections and objections, and prompt issuance of the Notice of Allowance are, therefore, all earnestly solicited.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By: 
Thomas F. Presson
Reg. No. 41,442
Tel: (212) 588-0800
Fax: (212) 588-0500